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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,178	06/20/2003	John C. Voudouris	072270-9020-02	6776
23409	7590	04/18/2006		EXAMINER
				WILSON, JOHN J
			ART UNIT	PAPER NUMBER
				3732

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/601,178	VOUDOURIS, JOHN C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John J. Wilson	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 February 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 7,10-14 and 56-67 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 7,10-14 and 56-67 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 February 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5)  Notice of Informal Patent Application (PTO-152)  
 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg (4712999). Rosenberg shows a body 14, archwire slot 7 and a clip 2 comprising at least two different materials where one coats the other, column 2, lines 14-28.

Claims 56 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (2759265). Johnson shows a body 8, archwire slot between numeral 9 and clip 14 having two different laminated materials, one resilient, column 3, lines 13-24. As to claim 57, it is held that the taught resilient material is inherently less stiff than the other material.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (4712999). That the coated dye material can have a different stiffness than the clip is an obvious known property of dyes and clips. As to claim 11, Rosenberg teaches plastics, column 3, lines 22-27. To use a polymer is an obvious matter of choice in known plastics to one of ordinary skill in the art. As to claims 12 and 14, to use a metal for the clip is an obvious matter of choice in the use of well known materials for clips to the skilled artisan. As to claim 13, to use a polymer based dye is an obvious matter of choice in known dye materials to one of ordinary skill in the art.

Claims 58, 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (2759265) in view of Rosenberg (4712999). Johnson shows the structure as described above, however, does not show the use of a polymer. Rosenberg teaches using plastic, column 3, lines 22-27. It would be obvious to one of ordinary skill in the art to modify Johnson to include the use of plastic as shown by Rosenberg in order to make use of known materials to obtain the desired properties. To use a polymer is an obvious matter of choice in well known plastics to the skilled artisan.

Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (2759265). To use metal for a clip is well known in the art and would have been an obvious matter of choice in the use of known materials to one of ordinary skill in the art.

Claims 62-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (4712999) in view of Hanson (4492573). Rosenberg shows a body 14, archwire slot 7 and a clip 2 comprising at least two different materials, column 2, lines 14-28. Rosenberg also shows a different material 20, column 3, lines 34-39, that is positioned in the archwire slot, Fig. 4, however, Rosenberg does not show a free end of the clip being positioned in the archwire slot. Hanson shows positioning a free end of a clip in an archwire slot, see figures. It would be obvious to one of ordinary skill in the art to modify Rosenberg to locate the portion of the clip in the archwire slot at a free end as shown by Hanson in order to better hold the archwire in the slot. As to claim 63, that the different material can have a different stiffness than the clip is an obvious property of the shown materials. As to claim 64, Rosenberg teaches plastics, column 3, lines 22-27. To use a polymer is an obvious matter of choice in known plastics to one of ordinary skill in the art. As to claims 65 and 67, to use a metal for the clip is an obvious matter of choice in the use of well known materials for clips to the skilled artisan. As to claim 66, to use a polymer based dye is an obvious matter of choice in known dye materials to one of ordinary skill in the art.

### ***Drawings***

The drawings filed February 17, 2006 have been found to be acceptable by the examiner.

***Response to Arguments***

Applicant's arguments filed February 17, 2006 have been fully considered but they are not persuasive. Applicant's remarks are held to be moot in view of the newly applied references and rejections above.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wildman et al (5613850) shows different clip layers, Fig. 3. Abels (6220857) shows coating, column 3, lines 30-34, and column 4, lines 57-61.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached at 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



*John J. Wilson*  
**Primary Examiner**  
**Art Unit 3732**

jjw  
April 14, 2006